

Rhode Island Atomic Energy Commission

Meeting of March 1, 2013

16 Reactor Road

Narragansett, RI 02882

10:00 AM

Dr. Mecca called the meeting to order at 10:00 AM. The following individuals were present at the meeting:

Rhode Island Atomic Energy Commission:

Dr. Stephen Mecca, RIAEC Chairman

Dr. Andrew C. Kadak, Commissioner

Dr. Anthony Nunes, Commissioner

Dr. Barahm Nassersharif, Commissioner

Dr. Peter L. Gromet, Commissioner

Rhode Island Nuclear Science Center:

Mr. Jeffrey Davis, RINSC Assistant Director of Operations

Mr. Stephen Guarino, Assistant Director for Radiation and Reactor Safety

Ms. C. Hathaway, RINSC Staff

Mr. Zachary Richards, RINSC Staff

Ms. Margaret Damato, RINSC Staff

Visitors/Observers:

Mr. David Johnson

Mr. Jerry Cobleigh

Mr. David Hathaway, Sr.

Ms. Prudence Hathaway (child)

Mr. Joseph Moran

Mr. Robert Bruzzi

Introductions:

Dr. Mecca opened the meeting with a welcome and requested that all individuals introduce themselves. Dr. Nunes indicated that he was audio recording the proceedings of the meeting; Ms. Hathaway indicated that she too is audio recording the proceedings of the meeting.

Approval of January 2, 2013 Draft Meeting Minutes:

The Chairman pointed out that the draft minutes were not seen or reviewed by the commissioners for accuracy or completeness before posting on the state web site. Mr. Davis prepared the draft minutes but for some reason did not circulate them for review which is counter to the longstanding past practice of the Commission. Dr. Nunes stated that the Commission acted illegally in the past by reviewing minutes citing RI General Law 42-46-5(b) that he thought prevented ex-parte reviews of minutes. Dr. Kadak stated that after a careful reading of the citation it does not suggest that review of

minutes constitutes such communications. As such, the commissioners voted 4 to 1 (Nunes in opposition) to table the minutes until they could be reviewed and corrected as necessary.

To avoid such difficulties in the future, a member of the Commission will prepare minutes (in accordance with bylaws of the RIAEC) for this and future meetings. Dr. Kadak was asked to prepare draft minutes for review by the commissioners.

Search Committee Report for the New Director:

Dr. Mecca reported that the search committee for the new Director had interviewed the top three of 7 candidates. The Committee voted on the top candidate who will be offered the position following the appropriate filing of state paperwork. Dr. Mecca thanked the staff for their input in the process which was very helpful.

By-Laws of the Atomic Energy Commission:

Dr. Mecca distributed copies of the RI AEC bylaws which were written 40 or more years ago. He pointed out sections that need updating and asked for volunteers to review the bylaws for changes. Drs. Nassersharif and Nunes volunteered to report such suggested changes at the next commission meeting.

Policy on RINSC Teaching at the University of Rhode Island:

Due to some concern expressed about members of the staff teaching full courses on the Center's time, Dr. Mecca drafted a proposed policy statement for review by the Commission at the next meeting. While the Commissioners are generally supportive of occasional lectures on topics of staff expertise, there was some objection to teaching full courses. The Commissioners and staff are requested to provide comments on the attached policy statement. It was acknowledged that the new Director may have an interest in an adjunct assignment at URI and finalization of the policy statement will not take place until June, at the end of the current semester. The Commission felt that closer links between RINSC and URI were desirable but need to be balanced against the operational needs of the center.

Dr. Gromet left the meeting at 10 AM due to a prior commitment.

Space Plan for the Center:

The chair requested that Mr. Richards provide to the Commissioners the latest floor plan for the facility showing office and laboratory spaces. Mr. Richards indicated he could send such a PDF file to Dr. Nassersharif

Old Business:

It was stated that since the minutes of the last meeting were sent out

prematurely, the Commissioners were unable to summarize the results of the Executive Session that was held at the time for the minutes. Dr. Mecca summarized that the purpose of the Executive Session was to review the hiring process of the health physicist which appeared to be flawed and not in accordance with state requirements. Dr. Mecca's summary shows that the person hired did not have the qualifications for the position of health physicist and that more qualified applicants were not selected. She did not have an undergraduate degree in Health Physics nor did she have any graduate training in Health Physics or Physics which is what the state stipulates for this position. Additionally, while Dr. Nunes participated in the hiring process, the person hired was one of his students creating a conflict of interest situation. In addition, the records filed with the state (RP-5A) were not accurate and not complete to the point that the person who was listed as an alternate did not even have any records of his submission on file. Dr. Mecca pointed out once again, that in no way did Constance Hathaway falsely portray her credentials. The [search, interviewing, and hiring] process was simply flawed and needed to be corrected. Dr. Mecca also said to her and her family present that this was a hard decision since she did nothing wrong.

Dr. Mecca reported on the meeting requested by the Governor's staff which he attended. This meeting was apparently the result of Dr. Nunes complaints to the Governor's office about the Commission's decision to terminate C. Hathaway after the review of the process. Dr.

Mecca stated that the decision to accept the Commission action on the termination was left in the hands of the Governor's office. A key point at the meeting, which Dr. Mecca reiterated to those in attendance at this meeting was the liability of the Commission, its staff, and the Governor's office that should an accident or event occur at the RINSC, on the watch of a non-qualified person who might be providing emergency planning advice or dose calculations which affect not only the site personnel but also the general public.

C. Hathaway asked the Commission about whether she was the subject of Executive session. Dr. Mecca responded that the purpose of the executive session was to review the process and whether it was sound. The first time the Commission was introduced to Ms. Hathaway was at the December Commission meeting where her resume was passed out and this was after the time she was hired. As a result of looking at her resume, the Commission wanted to see who else was considered for this position. It was at this time, irregularities became apparent since there were more qualified people who had applied.

Dr. Nunes questioned the authority of the Chair and the Commission to even investigate this issue. Dr. Mecca responded that it is our responsibility to assure that the RINSC is safely operated with qualified people and thus it is our obligation, when confronted with a resume indicating lack of qualification, to investigate the matter.

Relicensing Status:

Returning to the normal business of the Commission, Dr. Kadak requested a status report on relicensing. Mr. Davis said that there are about 5 additional questions remaining to be answered by the 15th of March. Dr. Kadak expressed hope that the staff could complete the answers on time. Dr. Kadak also requested that Mr. Davis see if he can get a schedule from NRC on the completion of the license renewal.

Organization Chart Change:

Dr. Mecca reported that he submitted the organization chart adjustment to NRC for approval as well as to the state for a hearing prior to approval.

The meeting was adjourned at 11:10 AM.

Respectfully Submitted,

Andrew C. Kadak
Commissioner

Draft Policy Statement of RINSC Staff Teaching

While the resources of the RINSC are and should continue to be made available to research and education users, there must be a clear understanding of what is and is not appropriate staff support for education. For purposes of this policy, a class is a session(s) that may be part of a course; a course is a complete series of classes or laboratory sessions constituting a credit or non-credit learning experience typically of duration equal to an academic term involving the planning and conduct of class and/or lab sessions, assignments, assessments and grading. Sharing expertise in the form of a class for a school is an appropriate activity for a RINSC staff member; it is similar to the use of a guest lecturer or a field visit or seminar. Running a course for a school is not appropriate unless there is a written agreement/ contract in place with the Center, which agreement has been reviewed and approved by the Executive Director. This policy does not preclude a staff member having a part time faculty appointment at a college or university from conducting a course on her/his own time.